

# **EXHIBIT 3**

## **DECLARATION OF CLAYTON CRAMER**

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I, Clayton Cramer, declare as follows:

**I. Purpose**

1. This Expert Declaration and Report analyzes Prof. Roth's Expert Declaration concerning the "history of homicides and mass murders." There is much merit in Prof. Roth's analysis of the history of murder in America. I take exception primarily to his interpretation of the influence of firearms technology on murder and mass murder in particular.

**II. Early American Murder Weapons**

**A. Gun Scarcity**

2. On p. 9: "Approximately 50 to 60 percent in the colonial and Founding eras owned a working firearm..." The question of how widespread firearm ownership was in the colonial era became an important question in 2000 because of Prof. Michael Bellesiles' groundbreaking, and as it turned out, fraudulent work *Arming America*. Prof. Bellesiles claimed that firearms ownership in the period 1765-1790 was in all regions less than 20% of probate inventories, and many of these were listed as "broken or defective."<sup>1</sup>

3. The defectiveness of these claims was thoroughly demonstrated in a William and Mary Quarterly issue devoted to analysis of Bellesiles' claims. Gloria Main showed that probate records of that period were often less than complete.<sup>2</sup> Another paper demonstrated that that other probate inventory surveys show much higher numbers than Bellesiles claimed, and that attempting to replicate his results from the probate inventories he purported to have read showed wide discrepancies.<sup>3</sup>

4. Subsequent investigation revealed that Bellesiles had claimed to have visited archives that had no record of his visits, where he claimed to have read probate inventories lost in

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<sup>1</sup> Michael Bellesiles, *Arming America: The Origins of American Gun Culture* 13, 445 (2000).

<sup>2</sup> Gloria L. Main, "Many Things Forgotten: The Use of Probate Records in *Arming America*," 59:1 WILLIAM AND MARY QUARTERLY 2111-16 (Jan. 2002), .

<sup>3</sup> James Lindgren and Justin L. Heather, "Counting Guns in Early America." 59:1 WILLIAM AND MARY QUARTERLY 1777-78 (Jan. 2002) .



the 1906 San Francisco earthquake and fires. He also read probate inventories at a courthouse in Vermont in a county that does not and has never existed.<sup>4</sup>

5. As the immensity and brazenness of Bellesiles' fraud became evident, Emory University convened a panel of distinguished historians to evaluate the accusations. Their report was damning. Along with criticizing use of non-existent sources, and careless research methods, "Here is a clear admission of misrepresentation, since the label on column one in Table One clearly says "1765-1790." If Professor Bellesiles silently excluded data from the years 1774-1776, as he asserts, precisely because they failed to show low numbers of guns, he has willingly misrepresented the evidence."<sup>5</sup>

6. That said, is there any reason to doubt the validity of Prof. Roth's claim that "50 to 60 percent of households" owned a working firearm, which is consistent with non-Bellesiles probate inventories? First, there are no registration records from which to gather such data. Probate inventories are the only practical method to create such counts.

7. My own limited analysis of probate inventories from Connecticut for the years 1639 to 1663 found that 71 percent "explicitly list guns, or list 'armes an ammunition,' for a total of 41 guns. (Excluded are William Whiting's 'two great guns,' cannons on board his ship.)" Plymouth inventories

for the period 1628–1687 reveals similar results: 90 (66.7 percent) included at least one firearm.<sup>6</sup> There was an average of 1.48 guns per inventory for all estates, or 2.22 guns per inventory among those estates that listed at least one gun. The largest number of guns was 38, belonging to Thomas Willett, a very wealthy man of some

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<sup>4</sup> James Lindgren, "Fall from Grace: Arming America and the Bellesiles Scandal," 111:8 YALE LAW JOURNAL 2195, 2211, 2210 (Jun. 2002), .

<sup>5</sup> "REPORT of the Investigative Committee in the matter of Professor Michael Bellesiles," Jul. 10, 2002, 18, [https://www.emory.edu/central/NEWS/Releases/Final\\_Report.pdf](https://www.emory.edu/central/NEWS/Releases/Final_Report.pdf), last accessed January 17, 2023.

<sup>6</sup> See Patricia Scott Deetz, Christopher Fennell, and J. Eric Deetz, *The Plymouth Colony Archive Project* "Analysis of Selected Probate Inventories," available at <http://etext.lib.virginia.edu/users/deetz/Plymouth/probates.html> for a list of selected probate inventories. While I make no pretense that these inventories were randomly selected, they were not selected by me, and there is no reason to assume that they are unrepresentative with respect to the presence of guns.

importance.<sup>7</sup> The value of the firearms averaged £1:0:8, and like the Connecticut probate inventories, because firearms were assessed together with other goods, this represents a maximum value. Like Connecticut, guns are more commonly associated with male probate inventories than female, but two out of eight female probate inventories at Plymouth Colony listed firearms—two firearms in each of these two estates.<sup>8</sup>

8. How common were guns in New York? A search for “gun,” “pistol,” and “fowling piece” in a data base of New York City wills and estate inventories from 1665 through 1790 found hundreds of matches.<sup>9</sup> The context demonstrates that guns were personally owned, and that some people owned multiple guns. One such example was Solomon Peters, a prosperous free black New York farmer at the close of the seventeenth century.<sup>10</sup> His 1694 will bequeathed his guns, swords, and pistols to his sons.

9. Probate inventories necessarily are biased towards the elderly. Death, unsurprisingly, is more an old people’s activity. Would elderly people be less likely to own firearms? Almost every colony mandated that men of military age possess or be provided by their employer or family with a musket for militia duty.<sup>11</sup> Men appear to have often owned firearms for hunting.<sup>12</sup> Without the legal obligation to possess firearm and with the ravages that age imposes, including declining eyesight (in an era before optical sights existed for firearms) and the loss of

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<sup>7</sup> Thomas Willett, *Plymouth Colony Wills* 3:117-128, excerpted in Deetz, Fennell, and Deetz, *The Plymouth Colony Archive Project*, available at <http://etext.lib.virginia.edu/users/deetz/Plymouth/P231.htm>.

<sup>8</sup> Margaret Carpenter, *Plymouth Colony Wills* 3(2):37-38, excerpted in Deetz, Fennell, and Deetz, *The Plymouth Colony Archive Project*, available at <http://etext.lib.virginia.edu/users/deetz/Plymouth/P278.htm> and Alice Bradford, *Plymouth Colony Wills* 3:3-5, excerpted in Deetz, Fennell, and Deetz, *The Plymouth Colony Archive Project*, available at <http://etext.lib.virginia.edu/users/deetz/Plymouth/P178.htm>.

<sup>9</sup> Chris Tami, *New York City Wills* 1-11 (Orem, Utah: Ancestry, Inc., 1998-99) on <http://www.ancestry.com> under “New York City Wills.”

<sup>10</sup> Joyce Hansen and Gary McGowan, *Breaking Ground, Breaking Silence: The Story of New York’s African Burial Ground* 51 (1998).

<sup>11</sup> See “Militia Statutes,” <https://claytoncramer.com/primary/primary.html#MilitiaLaws>, last accessed January 17, 2023, for a collection of such mandatory possession statutes for the following colonies: Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Haven, New Jersey, New York, North Carolina, Pennsylvania, Plymouth, Rhode Island, South Carolina, and Virginia.

<sup>12</sup> Clayton E. Cramer, *ARMED AMERICA* 63-64, 68-75 (2006) (collecting surviving anecdotal evidence of colonial era hunting).

stamina, it seems likely that probate inventories understate the prevalence of firearms. How much do they understate it? That is an interesting research question.

**B. Muzzle Loading Firearms**

10. Prof. Roth argues that many characteristics of muzzle loading firearms made them less likely to be used for murder. His claims about these characteristics and their impact on their use for murder bear careful inspection. On p. 9: “Fowling pieces, like muskets, were muzzle-loading.” The single shot nature of a muzzle loader certainly slowed down their use for mass murder, at least in a short period of time. The relative scarcity of murders, public or private, in New England is just as plausibly a product of a culture that put enormous stock in its religious values. It as adequately explains the low murder rate both absolutely and relative to the Chesapeake colonies as the state of firearms technology explains it.

11. If you intend to murder several people in a short period of time, an ax or a knife remains a sufficient weapon. They are cheap and silent. They draw no attention to your actions or provide warning to other potential victims.

12. But having raised the question of “[f]amily, household, and intimate partner homicides,” examination of mass murders in the 17<sup>th</sup> and 18<sup>th</sup> century demonstrates that firearms were not at all necessary for mass murder. While some of these incidents involve more than one murderer, several did not.

**13. Wethersfield, Conn. (1686)**

01/07/1686, the murderer killed two with an axe, and attempted murder of one other. It appears that the killer, an Indian, felt “‘the derision of his own people’ for having drawn a weapon at a trading post, a breach of protocol which made him infamous...” among his own people.”<sup>13</sup>

**14. Washington, Conn. (1780)**

Feb. 3, 1780, an employee of Caleb Mallory and the employee’s brother robbed then murdered Caleb and wife, and their three grandchildren. The weapons used: club, arson.<sup>14</sup>

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<sup>13</sup> Roth and Dayton, “Homicide among Adults: Connecticut homicides, 1630-1710,” 124.

<sup>14</sup> Roth and Dayton, “Homicide among Adults: Connecticut homicides, 1771-1797,” 68.

In the early 19<sup>th</sup> century, when muzzle loading flintlocks remained the only firearm technology (matchlocks and wheellocks being antique by this point), mass murders continued.

**15. Clarksburg, Virginia (1805)**

11/10/1805: A father murdered his wife and eight children with an ax. While found guilty, there was substantial evidence of mental illness.<sup>15</sup>

**16. Hallowell, Me. (1806)**

07/09/1806, The father murdered his wife and seven of his eight children with an axe or knife before killing himself with a knife.<sup>16</sup>

Even when a firearm is in use, it is sometimes not the only weapon.

**17. Madison Co., Ind. (1824)**

03/22/1824, seven whites “decoyed” three Indians away from their women and children, shot them, killing two, then returned to their camp, murdering ten women and children. To cast possible blame on other Indians, “Their bodies were most shockingly mangled.” After one of the boys who committed the murders turned states’ evidence against the rest, they made “a full confession.” At least two were shot; at least one baby killed “by taking it by the heels and beating its brains out against a tree.”<sup>17</sup>

18. On p. 9: “Fowling pieces were manufactured specifically to hunt birds and control vermin, so they were designed to fire shot, primarily, rather than ball, and were of lighter construction than muskets.” The manufacturing intent in no way affects the use to which it might be misused.

19. While shot was the intended projectile, fowling pieces were certainly capable of firing ball for military use. Colonial and Revolutionary accounts repeatedly show that fowling pieces were considered military arms. Near the end of Bacon’s Rebellion, Governor Berkeley’s forces captured “four hundred English and Negroes in arms” and confiscated about 500 muskets

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<sup>15</sup> “Trial of Abel Clements, “[Edinburgh, Scotland] *Caledonian Mercury*, Aug. 25, 1806, 4.

<sup>16</sup> Laurel Thatcher Ulrich, *A Midwife’s Tale: The Life of Martha Ballard, Based on her Diary, 1785-1812*, (New York, Random House, 1990), 291-307; *Horrid Murder! At an early hour on Wednesday morning last, the inhabitants of this town were alarmed with the dreadful information...*, (Augusta, Me., 1806), 1.

<sup>17</sup> “Horrid Barbarity,” *Hillsborough [N.C.] Recorder*, Apr. 28, 1824, 3.

and fowling pieces.<sup>18</sup> The Virginia Committee of Safety on June 19, 1776 directed delivery of shot to “Captain Washington of the fourth Battalion”<sup>19</sup>—which is what we would expect if large numbers of militiamen were armed with fowling pieces, not muskets.

20. At the start of the Revolution, the backcountry North Carolina Regulators sided with the Crown against what they perceived as their low country oppressors. Governor Martin, writing from a Royal Navy warship off Cape Fear on January 12, 1776, informed the Earl of Dartmouth that between two and three thousand of the former Regulators were ready to join the Loyalist cause, “although not half of them are provided with arms....”<sup>20</sup> The Regulators were generally poor, and at least five hundred had voluntarily turned in their arms in 1771. Yet somewhat less than half of them were armed *before* the British government could supply them with weapons.

21. Governor Martin’s letter of March 21 to Lord George Germain claimed that two to three thousand Regulators were now “well armed,” which would only be consistent with his letter of January 12 if the British government had supplied guns to the more than half that were unarmed.<sup>21</sup>

22. In early March, there is a description of the arms captured from these Regulators. The report is ambiguous as to whether the captured arms were supplied by the British government or were the personal property of the Regulators. The Revolutionaries had “taken 350 guns and shot-bags; about 150 swords and dirks; 1,500 excellent rifles....” *Some* of the captured materials were almost certainly supplied by the British to the Regulators. The rifles, however, and the description of “shot-bags” (more appropriate to fowling pieces than military muskets) suggest that the Regulators were armed for war with the traditional hunting weapons of the American frontier.<sup>22</sup>

23. Guns used by the Continental Army came in a bewildering array of calibers and types, reflecting the diversity of privately owned hunting weapons. Baron von Steuben (a German

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<sup>18</sup> Washburn, *Governor and the Rebel*, 88.

<sup>19</sup> H.R. McIlwaine, ed., *Journals of the Council of the State of Virginia* (1931), 1:30.

<sup>20</sup> William L. Saunders, ed., 10 *The Colonial Records of North Carolina* 406 (1890).

<sup>21</sup> Governor Martin to Lord George Germain, William L. Saunders, ed., 10 *The Colonial Records of North Carolina* 489 (1968).

<sup>22</sup> Saunders, 10 *The Colonial Records of North Carolina* 485-6 (1968).

army officer whose noble title later turned out to be rather...creatively acquired), attempting to drill Continentals at Valley Forge in 1778, complained about the lack of uniformity of the firearms the soldiers carried: “muskets, carbines, fowling pieces, and rifles were found in the same company.”<sup>23</sup>

24. Washington indicated that there were many guns in private hands that, while not well-suited to military use, were certainly functional: “It is to be wished, that every Man could bring a good Musket and Bayonet into the field, but in times like the present, we must make the best shift we can, and I wou’d therefore advise you to exhort every Man to bring the best he has. A good fowling Piece will do execution in the hands of a Marksman.”<sup>24</sup> The 1784 Georgia militia law required “those liable” to appear “completely armed and furnished with one rifle musket, fowling-piece or fusee fit for action” along with ammunition.<sup>25</sup>

25. Even today, a shotgun can be a fearsome weapon of mass murder. The 2013 Navy Yard mass murderer used a Remington 870 shotgun. The surveillance photo shows that he had installed the three-round magazine tube extension.<sup>26</sup> (I recognize the gun and the magazine extension. I have one identical to it.) Even without the extension, my experience is that I can reload a Remington 870 fast enough that the magazine extension provides only limited improvement in speed of fire.

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<sup>23</sup> M.L. Brown, *Firearms in Colonial America: The Impact on History and Technology 1492-1792* 306 (1980).

<sup>24</sup> George Washington, John C. Fitzpatrick, ed., 9 THE WRITINGS OF GEORGE WASHINGTON, FROM THE ORIGINAL MANUSCRIPT SOURCES, 1745-1799 (1931-44) 140-41; see also 7:123.

<sup>25</sup> Allen D. Candler, comp., 19(part 2) THE COLONIAL RECORDS OF THE STATE OF GEORGIA 348-56 (1911).

<sup>26</sup> Peter Hermann and Ann E. Marimow, “Navy Yard shooter Aaron Alexis driven by delusions,” WASHINGTON POST, Sep. 25, 2013, [https://www.washingtonpost.com/local/crime/fbi-police-detail-shooting-navy-yard-shooting/2013/09/25/ee321abe-2600-11e3-b3e9-d97fb087acd6\\_story.html](https://www.washingtonpost.com/local/crime/fbi-police-detail-shooting-navy-yard-shooting/2013/09/25/ee321abe-2600-11e3-b3e9-d97fb087acd6_story.html), last accessed January 17, 2023.

26. The 1988 mass murderer at ESL Inc. in Sunnyvale, California carried two pistols, a .30-06 high-powered rifle and a 12-gauge shotgun. News reports tell us that he used the shotgun to murder seven and injure four.<sup>27</sup>

27. On p. 11: “And muzzle-loading guns were difficult to keep loaded for any length of time, because black powder absorbed moisture and could corrode the barrel or firing mechanism or make the charge liable to misfire.” Prof. Roth makes a perfectly logical claim, but one that seems contrary to the practices of the time. Massachusetts Governor Winthrop’s journal reports several accidental deaths or injuries caused by colonists failing to follow this very logical action:

At a training at Watertown, a man of John Oldham's, having a musket, which had been long charged with pistol bullets, not knowing of it, gave fire, and shot three men, two into their bodies, and one into his hands; but it was so far off, as the shot entered the skin and stayed there, and they all recovered.<sup>28</sup>

And:

Three men coming in a shallop from Braintree, the wind taking them short at Castle Island, one of them stepping forward to hand the sail, caused a fowling piece with a French lock, which lay in the boat, to go off. The whole charge went through the thigh of one man within one inch of his belly, yet missed the bone, then the shot (being goose shot) scattered a little and struck the second man under his right side upon his breast, so as above 40 shot entered his body, many into the capacity of his breast.<sup>29</sup>

And:

One Richard Sylvester, having three small children, he and his wife going to the assembly, upon the Lord's day, left their children at home. The eldest was without doors looking to some cattle ; the middle-most, being a son about five years old, seeing his father's fowling piece, (being a very great one, ) stand in the chimney, took it and laid it upon a stool, as he had seen his father do, and pulled up the cock, (the spring being weak,) and put down the hammer, then went to the other end and blowed in the mouth of the piece, as he had seen his father also do, and with that stirring the piece, being charged, it went off, and shot the child into the mouth and through his head.<sup>30</sup>

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<sup>27</sup> Jay Mathews, “Sudden Death in Sunnyvale,” WASHINGTON POST, Feb. 18, 1988, <https://www.washingtonpost.com/archive/politics/1988/02/18/sudden-death-in-sunnyvale/4f50e5d7-0804-4a56-a2af-ced693c3b577/>, last accessed January 17, 2023.

<sup>28</sup> John Winthrop, James Kendall Hosmer, ed., 1 *Winthrop's Journal: "History of New England" 1630-1649* (1908), 83.

<sup>29</sup> *Id.* 2:55.

<sup>30</sup> *Id.*, 2:72.



And:

It is observable that this man had gathered some providences about such as were against them, as that Mr. Winslow's horse died, as he came riding to Boston; that his brother's son ( a child of eight years old) had killed his own sister (being ten years of age) with his father's piece, etc., and his great trouble was, least this providence which now befell him, should be imputed to their cause.<sup>31</sup>

28. These four incidents of firearms kept loaded when not in active use resulting in misadventure are in *one* book. How many of these loaded firearms sat quietly in there place, refusing to fire?

29. Finally, one more evidence that Americans did not keep firearms unloaded except when ready for use with any great regularity. In 1783, Massachusetts passed a statute that shows firearms were kept loaded regularly enough to justify a law regulating it:

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An act in addition to the several acts already made for the prudent storage of Gun powder within the town of Boston.  
[*Passed March 1, 1783.*]

**WHEREAS** the depositing of loaded arms in the houses of the town of Boston, is dangerous to the lives of those who are disposed to exert themselves when a fire happens to break out in said town.

[1] **SEC. 1.** *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That if any person shall take into any dwelling house, stable, barn, out house, ware house, store, shop or other building within the town of Boston, any cannon, swivel, mortar, howitzer, cohorn, or fire arm, loaded with or having gunpowder in the same, or shall receive into any dwelling house, stable, barn, out house, store, ware house, shop, or other building within said town, any bomb, grenade, or other iron shell, charged with, or having gun powder in the same, such person shall forfeit and pay the sum of ten pounds, to be recovered at the suit of the Firewards, [duties of Firewards transferred to Engineers,] of the said towns, in an action of debt before any court proper to try the same; one moiety thereof, to the use of said Firewards, and the other moiety to the support of the poor of said town of Boston.*

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<sup>31</sup> Id., 2:317.



30. The preamble is clear: this is a fire safety statute. You were free to keep small arms, cannon and a variety of other types of artillery, bombs, and grenades at home, as long as they were unloaded. Why was there a need for such a law unless firearms (and artillery) were at least occasionally left loaded?

31. On pp. 11-12: “Otherwise, however, colonists seldom went about with loaded guns, except to hunt, control vermin, or muster for militia training.” Prof. Roth’s argument seems to be that murders were rare because loaded firearms were not immediately at hand during domestic disputes. This might be a persuasive argument about murder in general, but mass murderers are seldom people who lose their temper in a fit of rage and grab a gun from the closet. The recent era’s mass murders are almost always carefully planned, premeditated crimes.

#### **IV. My Current Research Project**

##### **A. Defining Mass Murder**

32. Since 2019, I have been researching the history of mass murder in the United States. The definition of mass murder does not have a universal definition. The FBI’s definition of mass murder is four or more dead (including the killer) in one event, in one location.<sup>32</sup> Other agencies, such as the U.S. Secret Service use the term “mass attacks” in which “three or more people are harmed.”<sup>33</sup>

33. For purposes of my research, I have adapted the Secret Service’s definition. For purposes of this research, I slightly extended the FBI definition to include at least two murder victims committed in multiple locations within 24 hours and use the Secret Service’s “three or more people harmed.” The suicide or lawful killing of the mass murderer or murderers is not included in the total dead.

34. I have excluded multiday mass murders committed in riots, such as the New York City Draft Riots of 1863, and many of the race riots of the 20th and 21<sup>st</sup> centuries because they

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<sup>32</sup> FBI, *Serial Murder: Multidisciplinary Perspectives for Investigators* 8 (2008), distinguishing mass murder from serial murderers. “Generally, mass murder was described as a number of murders (four or more) occurring during the same incident, with no distinctive time period between the murders.”

<sup>33</sup> U.S. Secret Service, *Mass Attacks in Public Spaces – 2019*, 6 (August, 2020).

were not in one location. Determining when these murders took place also precludes easy classification. I also have excluded crimes such as the Colorado cannibalism murders in 1874, because it is unclear over what period the victims were murdered.

35. There are deaths that might qualify as mass murder, but which have circumstances that might also qualify as lawful self-defense and are thus not included.<sup>34</sup> There are mass murders which appear to be gang-related; I have excluded many of those because determining if they were defensive in nature or not requires confidence in the integrity of the participants, who often have reason to lie.

36. Obviously, mass murder does not include acts of war. Mass murders committed by governments as official policy are outside the legal definition of murder. Also excluded are governmentally supported acts of mass murder committed outside the rules of land warfare. The bombing of the Soo Locks on the Great Lakes shortly after U.S. entry into World War I, which would otherwise meet the criteria of mass murder, smells suspiciously like German sabotage and I therefore excluded it.<sup>35</sup> This also excludes one of the earliest American mass murders: ten murdered by Lenape Indians at a school in 1764 Greencastle, Pennsylvania,<sup>36</sup> as well as the many thousands (at least) killed in various Indian wars (such as the hundreds killed during the Dakota War of 1862).

37. I have excluded *most* mass murders of Indians by Indians because most were outside the civil society of America, and the records of such crimes are thus necessarily incomplete. The Criminal Justice Research Center's data on Colonial and Revolutionary New England murders contains examples that meet this definition.<sup>37</sup> I *have* included incidents where a

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<sup>34</sup> Renewal of Mob Attacks Resulting in 3 Deaths and 13 Injured on Second Day of Lawlessness Causes Governor to Act, GREAT FALLS [MONT.] DAILY TRIBUNE, Aug. 7, 1920, at 1.

<sup>35</sup> *Attempt Made To Wreck Soo Locks*, EAST OREGONIAN, May 16, 1917, 1.

<sup>36</sup> Robert J. Ursano, Carol S. Fullerton, Lars Weisaeth, Beverley Raphael, ed., TEXTBOOK OF DISASTER PSYCHIATRY 204 (2<sup>nd</sup> ed. 2017).

<sup>37</sup> Criminal Justice Research Center, *Homicide Among Adults in Colonial and Revolutionary New England, 1630-1797*, <https://cjrc.osu.edu/research/interdisciplinary/hvd/united-states/colonial-revolutionary-new-england>.

mass murder (by white or Indian and regardless of the victim's race) was clearly *not* a part of warfare, such as those motivated by robbery or kidnapping with the goal of ransom.

38. There are mass murders where the victim count includes people killed because a felony was taking place. Because of the felony-murder rule, I have included people killed lawfully in the course of a felony as mass murder victims, such as happened in the Johnson County War.<sup>38</sup> I have excluded incidents in which all the dead were felons.<sup>39</sup>

39. There are incidents which might be best categorized as mutual combat, where armed groups attacked each other with great loss of life but determining who were the victims and who were the murderers is not easy from surviving news coverage, such as the struggle between Democratic and Republican campaign workers in Clayhole Voting Precinct in 1922. The ensuing gunfight killed at least five people and wounded ten to thirteen others.<sup>40</sup>

40. I have excluded a small number of cases where trial found the killer not guilty of what were clearly mass murders. Example: Miss Verna Ware opened fire in the Gatesville courthouse in 1909, killing the man she accused of seducing her, two others not involved in the case and wounding a fourth.<sup>41</sup>

#### **B. Finding Mass Murders**

41. How do you find historical mass murders? The phrase “mass murder” is quite rare in historical documents. Using the *ngram* tool in books.google.com for books published 1600-2000 shows essentially zero matches until 1952,<sup>42</sup> and many of the rare pre-1952 matches are actually abbreviations of Massachusetts such as “Mass. Murder” or “Mass., murder.”<sup>43</sup> The

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<sup>38</sup> *A War in Wyoming*, [Maysville, Ky.] EVENING BULLETIN, Apr. 13, 1892, 1.

<sup>39</sup> *Nevada Mining Boss Besieged in His Office*, KALISPELL BEE, Jan. 09, 1903, 1

<sup>40</sup> *Some Facts About Clayhole*, [Lancaster, Ky.] CENTRAL RECORD, Jul. 20, 1922, 1.

<sup>41</sup> Woman to Face Murder Charge, WAXAHACHIE [Tex.] DAILY LIGHT, Feb. 8, 1909, 1; Four People Wounded, PALESTINE [Tex.] DAILY HERALD, Feb. 4, 1909, 2; Jury Verdict Not Guilty, LIBERTY [TEX.] VINDICATOR, Feb. 11, 1910, 1.

<sup>42</sup> [https://books.google.com/ngrams/graph?content=%27mass+murder%27&year\\_start=1600&year\\_end=2000&corpus=17&smoothing=3&share=&direct\\_url=t1%3B%2C%27%20mass%20murder%20%27%3B%2C0](https://books.google.com/ngrams/graph?content=%27mass+murder%27&year_start=1600&year_end=2000&corpus=17&smoothing=3&share=&direct_url=t1%3B%2C%27%20mass%20murder%20%27%3B%2C0), last accessed June 12, 2018.

<sup>43</sup> Examples: Michigan State Prison, BIENNIAL REPORT OF THE BOARD OF CONTROL AND OFFICERS OF THE STATE HOUSE OF CORRECTION AND BRANCH PRISON OF STATE PRISON IN UPPER

abbreviation “Mass.” causes similar problems when searching the Library of Congress’ collection of 1789-1963 newspapers for the words “mass” and “murder” within five words of each other.<sup>44</sup> An additional problem is the use of the phrase to describe governmentally sanctioned and indeed government-operated warfare.<sup>45</sup>

42. Searching the Library of Congress’ *Chronicling America* collection of newspapers for the words “murders”, “murdered”, “killed”, “slain”, “dead” in association with numbers found a sea of matches, most of which needed to be read before discarding. In many cases, similar or identical news stories appeared in multiple newspapers. If the same facts appeared repeatedly, and there were hundreds of references to an event, I did not read every newspaper account of that event.

43. There are several frustrating limitations of the *Chronicling America* collection:

1. Copyright restrictions make post-1922 newspaper collections incomplete.

2. Many of these mass murders, in addition to appearing in many different newspapers, sometimes appear in only one or two newspapers, far removed from the crime, both geographically and temporally. One example is a mass murder of three in Tamworth, N.H. in 1857 which appeared only in an 1858 summary of the previous year’s events, which was published in Pennsylvania.<sup>46</sup> This made it difficult to gather additional data on the crime.

3. Nineteenth century accounts often used the word “murders” rather far afield from its legal meaning, or in reference to general social problems such as alcohol. This produced so many thousands of matches that I have often settled for detailed examination of the first 100 front page news

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PENINSULA... 22, 41, 65 (1916),; R.W. Bligh, comp., NEW YORK HERALD ALMANAC: FINANCIAL, COMMERCIAL AND POLITICAL REGISTER 1874 87 (1874).

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<https://chroniclingamerica.loc.gov/search/pages/results/?state=&dateFilterType=yearRange&date1=1789&date2=1963&language=&ortext=&andtext=&phrasertext=&proxtext=mass+murder&proxdistance=5&rows=20&searchType=advanced>; Examples: ‘Joe is a Good Boy,’ Declares Ettor’s Parents, [Chicago, Ill.] THE DAY BOOK, Oct. 25, 1912; 14; Queries Pour in on J. Frank Hickey, [Chicago, Ill.] THE DAY BOOK, Dec. 4, 1912, 28; Written Authority to Walk in Your Own Town, [Chicago, Ill.] THE DAY BOOK, Feb. 5, 1912.

<sup>45</sup> Jos. Veltman, Do Workers Want War? [letter to the editor] [Chicago, Ill.] THE DAY BOOK, Jan. 17, 1916, 23.

<sup>46</sup> Principal Events of General and Local Interest During the Year 1857, LEWISTON [PENN.] GAZETTE, Jan. 21, 1858, 1.

stories. Newspapers in the nineteenth century also published many foreign news accounts and fiction. Limiting searches to the front pages thus reduced false positives which would have to be laboriously examined for location and fiction status. (If it didn't make the front page, it seems unlikely it could be either a specific crime, or something as shocking as a mass murder.)

44. Defining a mass murder by the number of dead can understate mass murders, if either police or civilian intervention interrupts the murderer. (There are some examples in my list of mass murders cut short, although not short enough, by such actions.) In addition, some of the events gathered here list crimes in which the immediate coverage includes persons wounded so seriously that the coverage describes them as "probably fatally."<sup>47</sup> Considering the nature of medical and surgical care available until my lifetime, it seemed a good assumption that those described as "probably fatally" wounded can be properly included among the dead.

45. Along with *Chronicling America*, I have made extensive use of the commercial site *Newspapers.com* and a few secondary sources.

46. Another valuable source was the list of "Homicide among Adults in Colonial and Revolutionary New England, 1630-1797," compiled by Randolph Roth and Cornelia Hughes Dayton.<sup>48</sup> While this is a list of *all* murders, not just mass murders, it provided an additional source of incidents.

### C. **Group Activity**

47. The supposed distinction between modern individual mass murder and group mass murder of earlier centuries does not stand careful examination. Mass murder is *still* sometimes a group activity. Such happened at Littleton, Colo. on Apr. 20, 1999<sup>49</sup> and the terrorist attacks of September 11, 2001. Other recent group mass murders include one on Oct. 31, 2019, in Orinda,

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<sup>47</sup> Maniacal Unknown in Attempt to Exterminate Whole Family, BISBEE [ARIZ.] DAILY REVIEW, Apr. 6, 1922, 1.

<sup>48</sup> Randolph Roth and Cornelia Hughes Dayton, comp., Homicide among Adults in Colonial and Revolutionary New England, 1630-1797, Oct. 2009, <https://cjr.osu.edu/research/interdisciplinary/hvd/united-states/colonial-revolutionary-new-england>, last accessed June 12, 2018.

<sup>49</sup> R. Barri Flowers and H. Loraine Flowers, MURDERS IN THE UNITED STATES: CRIMES, KILLERS AND VICTIMS OF THE TWENTIETH CENTURY 59 (2001).

Cal. A conflict between gangs led to a shooting in which the murderers shot to death five people and “several others were injured.”<sup>50</sup> On Dec. 31, 1986, in San Juan, P.R. three Teamsters attempted to negotiate a better labor contract with their employer by setting a fire that murdered 97 people.<sup>51</sup>

48. As this declaration later shows, individual mass murder is neither particularly modern not dependent on technological advances.

#### **D. Data Limitations**

49. Prof. Roth on p. 4, n. 3: “It is also essential, in the opinion of historians and historical social scientists involved in the Historical Violence Database, to use capture-recapture mathematics, when multiple sources are available, to estimate the number of homicides where gaps or omissions exist in the historical record.” I have no dispute with this claim. Resampling (or re-capturing as Prof. Roth calls it) is a fundamental part of producing statistically valid results. One limitation of my research project is that, as my father used to tell me, “Newspapers are the first draft of history.” They may miss mass murders because of location, loss of newspapers from the historical record, and sometimes intentional editorial refusal to cover barbarous behavior (which has been demonstrated to promote copycat mass murders, even to the choice of manufacturer of the weapon used).<sup>52</sup> I make no claims that this project produces data of the precision as Prof. Roth’s work, but it can provide that first sampling from which other researchers can use before resampling. It does demonstrate some qualitative aspects of mass murder such as widespread use of non-firearm mass murder weapons, and that certain proximate causes of mass murder, such as mental illness are not rare.

50. It would be very useful to be able to extract data identifying which were group mass murders and which were individual. When I started this project, this seemed an unnecessary detail

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<sup>50</sup> Annie Sciacca, “It was a bloodbath”: Orinda Halloween shooting investigation reveals gang connections, SAN JOSE MERCURY-NEWS, Nov. 17, 2019.

<sup>51</sup> 3 Teamsters Charged in San Juan Hotel Fire, CHICAGO TRIBUNE, Feb. 4, 1988, <https://www.chicagotribune.com/news/ct-xpm-1988-02-04-8803270617-story.html>, last accessed November 24, 2018.

<sup>52</sup> Clayton E. Cramer, Ethical Problems of Mass Murder Coverage in the Mass Media, 9:1 JOURNAL OF MASS MEDIA ETHICS 26-42 (Winter, 1993-94).

and so I did not gather it. While I cannot provide that level of detail on group vs. individual mass murders, I can say with confidence that the mass murders in my collection are primarily individual, although there are a number that are group. How can I be so sure? Family mass murders are very common both historically and in the present. They are usually by either the father or mother. I cannot immediately recall an intra-family mass murder carried out by more than one person. Even public mass murders were usually individual, or at least with explosives, not *clearly* group actions.

51. Before 1960, the intra-family mass murders are 741 of 1796 incidents; 2,784 out of 12,730 dead. (To avoid giving fame to the infamous, which produces Herostratic mass murders.<sup>53</sup> One example: An 1887 murder (although with only two victims) was unmistakably a copycat of a recently reported mass murder. A mechanic read an article about a mass murder committed in part with Rough on Rats, a poison,<sup>54</sup> to his wife:

His wife listened to the account of the... murder and then bade her husband read it. He went over it a third time and then she took the paper to the neighbors and had it read twice more. Thursday she sent her mother for yeast, and took a heavy dose of Rough on Rats and forced a dose of the poison down the throat of her babe.... The woman died in great agony and her babe expired soon after.<sup>55</sup>

For this reason, my synopses consistently exclude the murderer's name.)

52. When gathering this data, I only recorded if a particular weapon was used rather than counting deaths by weapon. In older news accounts, there is almost never a breakdown of deaths by weapon. In many cases, the state of forensic medicine would make it impossible to determine if the ax to the head or the subsequent knife to the throat was the fatal injury. It would make little difference which caused a victim's death: the murderer's punishment would be the same.

53. A few examples of individual mass murders when firearms technology had not advanced or was completely irrelevant:

54. **Uniontown, Wash. Feb. 25, 1901:** A woman threw her six children down a 30 foot deep well, "then jumped into the well, and, the belief is, held their heads under water until all were

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<sup>53</sup> Id.

<sup>54</sup> "A Maniac Mother," *St. Paul Daily Globe*, Apr. 24, 1886, 1.

<sup>55</sup> "Rough on Rats," *Austin Weekly Statesman*, Feb. 3, 1887, 7.



drowned.”<sup>56</sup> “She is violently insane. The woman’s husband died a year ago, and she has been supported by the county and charity of neighbors.”<sup>57</sup> Reporter interview supports evidence of insanity: “[S]he gave him incoherent reasons for slaying her little ones.... [s]he had read of the Chinese war and the terrible atrocities committed in the Orient, and had warning that the Chinese were coming today to burn her house and slay her children... Mr. Rustemeyer... was well acquainted with the family... He said... Mrs. Wurzer was never considered just right in her mind, and thinks she should have been restrained of her liberty long ago.” Weapon: drowning.<sup>58</sup>

**55. Belvidere, N.J. (1843)**

Two (perhaps three) men murdered John Castner, his wife, one of their children, “and an old bachelor brother-in-law.” The purpose was believed to be either robbery or inheritance of the land by one of the murderers. Weapon: blunt object<sup>59</sup>

Nonetheless, firearms mass murders were not rare, even with “primitive” technology:

**56. Swan River, Minn. Terr. (1860)**

Early 1860 or late 1859: A very complex incident. One Chippewa warrior (“A”) murdered another Chippewa (“B”). A few days later, B’s squaw (“C”) saw A, and shot him. A’s brother (“D”) shot C. C’s brother (“E”) shot D.

Category: public

Suicide: no

Cause: revenge

Weapon: firearm<sup>60</sup>

**57. Coldwater, Mich. (1865)**

Jan. 30, 1865: Young man becomes engaged to a woman in Lorain Co., Ohio. This is a problem, because his wife in Coldwater, Mich., is about to give birth, so he returns home, where his wife lives with the young man’s parents. In the midst of giving birth, the young man murdered

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<sup>56</sup> Drowned Her Six Children, ADAMS COUNTY NEWS [Ritzville, Wash.] Feb. 27, 1901, 4.

<sup>57</sup> WASHINGTON STANDARD [Olympia, Wash.], Mar. 1, 1901, 3.

<sup>58</sup> Killed Her Children, COTTONWOOD [Ida.] REPORT, Mar. 1, 1901, 1.

<sup>59</sup> “The Warren Tragedy,” *American Republican and Baltimore Daily Clipper*, Jan. 23, 1845. 1.

<sup>60</sup> Indian revenge, MUSCATINE [Iowa] WEEKLY JOURNAL, Jan. 27, 1860, 1.



his wife. When the young man's father and mother showed up, he shot them to death. (Other accounts identify the town as Woodstock, and that the murder of his wife and unborn child followed the murder of his parents.) His behavior after arrest, as newspaper coverage described, "suggests the charitable conjecture that the man is insane." He confessed the crime and signed autographs for the crowd around the jail that described himself as "murderer of his wife, father and mother." He invited his friends in Lorain County to visit him in jail "where they would find him 'playing checkers with his nose, on the jail windows.'"

Category: family

Suicide: no

Cause: mental illness

Weapon: firearm<sup>61</sup>

#### **58. Sleepy Hollow, N.Y. (1870)**

Jan. 1, 1870: Farmer murdered his wife, and two of his neighbors, father and son, who appear to have visited the murderer's wife in his absence. The murderer had a reputation for being too fond of rum.

Category: public

Suicide: no

Cause: jealousy?

Weapon: firearm<sup>62</sup>

#### **59. Glenville, Minn. (1889)**

Feb. 15, 1889: Murderer, relative of the victims, shot to death, "Mary Chemeieck, aged six, and her sister Rose, aged eleven..." Apparently, his niece, Rose, had spurned his advances. He then murdered their mother with a shotgun and committed suicide. Weapon: pistol, shotgun<sup>63</sup>

60. A mass murder that is *not* part of the database shows how "primitive" firearms technology is not a barrier to school mass murder. A former teacher showed up at a Bremen,

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<sup>61</sup> A Triple Murder, [Plymouth, Ind.] MARSHALL COUNTY REPUBLICAN, Feb. 16, 1865, 1.

<sup>62</sup> A Triple Murder at Sleepy Hollow, WILMINGTON [N.C.] JOURNAL, Jan. 14, 1870, 1.

<sup>63</sup> He was a Rejected Lover, ST. PAUL GLOBE, Feb. 17, 1889, 1.

Germany, Catholic school “armed with six loaded revolvers.” He killed one teacher, two children, “three children were gravely injured and three other children were slightly wounded.” The article described him as “demented.”<sup>64</sup> Depending on whether they were they were 5-shot, 6-shot, or 9-shot revolvers (all still common today) he could have fired 30, 36, or 54 shots without reloading.

61. Of course, reloading a revolver with speedloaders can be done by a skilled shooter in a second or two at most. Jerry Miculek has demonstrated his ability to accurately fire 16 rounds in four seconds from an eight-round revolver using a speedloader.<sup>65</sup> A mass murderer carrying four speedloaders could accurately fire forty rounds in eight seconds. This is slower than a mass murderer with a semiauto rifle and a 30-round magazine, but not by much.

62. Through 1960, there were 797 non-firearm mass murders: 3,781 dead: an average of 4.74 dead per incident; 840 exclusively firearms mass murders, 3,653 dead: an average of 4.35 dead per incident.

63. Firearms become more common weapons by the 1920s. Axes and hatchets declined as wood stoves became less common. While I have not categorized the poison mass murders as precisely as I might do if I were starting from scratch, “illuminating gas” and “Rough on Rats” (both commonly used to wipe out your spouse and children) declined as automobile exhaust poisoning rose.

64. This should be no surprise; mass murderers use what is available. This May 20, 1931, Mattoon, Ill. incident catches this improvisational nature well. A former employee of her late husband attempted to burn to death the woman and her two daughters with whom he had recently moved to Illinois. They escaped the burning house. He then shot to death the mother, attempted to strangle the daughters, then shot them and beat them to death with an automobile starter crank.<sup>66</sup> Similarly, May 30, 1840: The husband, murdered his mother-in-law and her five

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<sup>64</sup> Maniac Shot Many People, BARRE [Vt.] DAILY TIMES, Jun. 20, 1913, 1.

<sup>65</sup> “Revolver Speed Reload! 16 rounds in four seconds on slo mo! S&W 929 Jerry Miculek,” <https://www.youtube.com/watch?v=0FbUMqoyjDw&t=7s>, last accessed January 17, 2023.

<sup>66</sup> Woman Shot. Tots Choked, BROWNSVILLE HERALD, May 20, 1931, 1.

children. Cause: robbery. Weapon: strangulation; stone; axe, rifle; knife. He confessed after the first hanging failed.<sup>67</sup>

65. Even today's gun mass murderers are not as narrowly focused as the popular imagination sees them. May 24, 2014, Isla Vista, Cal.: College student, upset about his sex life (or rather its absence) stabbed to death his three roommates, shot three women at a sorority (two of whom died), shot another student, injured two bicyclists by ramming them with his car, and shot and wounded four pedestrians.<sup>68</sup>

66. For the following table, some of these weapon types require explanation.

67. UNKNOWN means the weapon type was not identified in the article.

68. AIRCRAFT is for murders committed with an airplane (not all of which took place on Sep. 11, 2001). (Bombing of airplanes is in the EXPLOSIVE weapon type.)

69. PERSONAL: hands (other than strangle), feet.

70. TRAIN involves intentional derailment of trains to cause loss of life. The motivation for most of these crimes is uncertain. One was insurance fraud; authorities alleged "that the men entered into the plot to get rid of their wives and at the same time to collect damages from the railroad company." One of the murderers collected \$500 from the railroad for injuries to his wife.<sup>69</sup> Another, on Dec. 27, 1934: Police charged three men with the intentional derailment of a train, in the hopes that one of the train crew would lose his job, so that one of the three would get that job. (This was the depths of the Depression.) The crash killed three employees and injured 16 passengers.<sup>70</sup>

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<sup>67</sup> *Trial, Confession, and Execution of Robert M'Conaghy for the Murder of Mrs. Brown and her Five Children* 6-7, 9-10 (1841).

<sup>68</sup> Shelby Lin Erdman and Greg Botelho, Timeline: A killer's rampage through a California college town, CNN, May 27, 2014, <https://www.cnn.com/2014/05/24/us/california-rampage-timeline/>, last accessed November 27, 2018.

<sup>69</sup> Plot to Kill Their Wives, [Maysville, Ky.] EVENING BULLETIN, Mar. 26, 1896, 1.

<sup>70</sup> Trio Held In Wreck Accused Of Murder, [Washington, D.C.] EVENING STAR, Mar. 10, 1935, 1.

71. Incident count by weapon type for mass murders before 1960 where only one weapon type was used:

UNKNOWN	862
AX	646
HATCHET	135
KNIFE	588
OTHERSHARP	215
BLUNT	868
EXPLOSIVE	299
POISON	286
STRANGLE	109
DROWN	139
ARSON	708
HANG	284
OTHER	157
PERSONAL	21
FIREARM_UNKNOWN	2571
SHOTGUN	504
RIFLE	570
PISTOL	933
MACHINE_GUN	61
AIRCRAFT	
TRAIN	76

When grouped by incidents where only non-firearms were used, 3,809 died. For firearms only mass murders, 2,068 died.

**V. Killing People Without Modern Firearms Technology**

72. How do you kill lots of people without modern firearms technology?

**A. Explosives**

73. One popular method was explosives.

**74. Sells, Ark. (1900)**

Oct. 15, 1900: “[F]ather, mother, and four young children blown to atoms” by dynamite explosion. “It is believed that a dispute over a homestead claim prompted the outrage.”

Category: family non-resident

Suicide: no

Cause: greed

Weapon: explosives<sup>71</sup>

**75. Cripple Creek, Colo. (1904)**

Jun. 5, 1904: Someone set off a bomb under a train station platform where non-union men were waiting for a train during a strike. Twelve died “and a score or more injured...”

Subsequently, “Forty shots were fired in a crowd in the street. Two men were killed and at least six persons wounded.” One of the dead “by blow from revolver.” Then the National Guard troops showed up and attempted to restore order.

Category: public

Suicide: no

Cause: labor

Weapon: explosives, firearm, blunt<sup>72</sup>

**76. Mullins, W.Va. (1909)**

5/16/1909: The Black Hand used dynamite to blow up an Italian boarding house. One of the victims broke faith with the Black Hand. The explosion killed four and injured three.

Category: residential

Suicide: no

Cause: gang

Weapon: explosives<sup>73</sup>

**77. Mudlow, W.Va. (1912)**

7/26/1912: Striking miners dynamited a machine gun operated by agents of the Baldwin detective agency, killing three miners and seven detectives.

Category: public

Suicide: no

Cause: labor

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<sup>71</sup> Whole Family Murdered, [St. Genevieve, Mo.] FAIR PLAY, Oct. 20. 1900, 1.

<sup>72</sup> Terrorism and Death Dominate Colorado, SAINT PAUL GLOBE, Jun. 7, 1904, 1.

<sup>73</sup> Black Hand Kills Four By Dynamite, BLUEFIELD [W.Va.] EVENING LEADER, May 17, 1909, 1.

Weapon: explosives<sup>74</sup>

**78. Superior, Penn. (1914)**

11/15/1914: Someone blew up the Kanaza general store, which was also the Kanaza residence, with two separate dynamite bombs, killing Kanaza's three children and two other men. Five others suffered injuries. Mr. Kanaza believed the motive was revenge for a lawsuit.

Category: family

Suicide: no

Cause: revenge

Weapon: explosives<sup>75</sup>

**79. San Francisco, Cal. (1916)**

7/22/1916: Someone set off a dynamite bomb during the "Preparedness Day Parade," in preparation for World War I. While the identity of the murderer or murderers is uncertain (California Governor Culbert Olson many years later pardoned those originally convicted as evidence of perjury at the trial accumulated), circumstances suggests that it was the work of anarchists, hostile to U.S. involvement in the war.

Category: public

Suicide: no

Cause: terrorism

Weapon: dynamite<sup>76</sup>

**80. New York, N.Y. (1920)**

09/16/1920: Anarchists set off a bomb in Wall Street, killing 31 and injuring 125 others.

Category: public

Suicide: No

Cause: terrorism

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<sup>74</sup> Seven Detectives and Three Miners Dead, SEATTLE STAR, Jul. 26, 1912, 1.

<sup>75</sup> Dynamite Kills Five In Spite Act, NEW-YORK TRIBUNE, Nov. 16, 1914, 1.

<sup>76</sup> Dynamite Trial Opens Today in 'Frisco; 10 Were Killed by Bomb, BEMIDJI [Minn.] DAILY PIONEER, Jan. 3, 1917, 1; Preparedness Day Bombing, [https://en.wikipedia.org/wiki/Preparedness\\_Day\\_Bombing#Later\\_investigations](https://en.wikipedia.org/wiki/Preparedness_Day_Bombing#Later_investigations).

Weapon: TNT<sup>77</sup>

**81. Germantown, Md. (1920)**

11/18/1920: Two neighbors had a longstanding feud. On Election Day, one shot the other in the neck. The farmer shot in the neck took revenge with 50 pounds of dynamite, killing his neighbor, the housekeeper and her two children.

Category: family non-resident

Suicide: no

Cause: revenge

Weapon: explosives<sup>78</sup>

**82. Pittsburgh, Penn. (1925)**

05/Jun. 1925: Two bombs destroyed three buildings, killing eight people immediately, and fatally injuring two others. One of the buildings housed a grocer who had been the victim of extortion threats by a Black Hand society.

Category: residential

Suicide: no

Cause: extortion

Weapon: explosive<sup>79</sup>

**83. Bath, Michigan (1927)**

May 18, 1927: Treasurer of the local school board was angered by his property tax increase to pay for a new school building that he had opposed. He placed a dynamite bomb in the basement of the school, by which method he murdered 37 children and six adults as well as seriously injuring 44 others. Only a wiring mistake prevented other charges from taking down the rest of the building which would have endangered 150 more students. The murderer had already beaten his

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<sup>77</sup> Bomb Batters Wall Street; 31 Slain, 125 Hurt, THE SUN AND THE NEW YORK HERALD, Sep. 17, 1920, 1.

<sup>78</sup> Bomb Wrecks Farmers Home Killing Three, [Salem, Ore.] CAPITAL JOURNAL, Nov. 19, 1920, 1.

<sup>79</sup> Eight Are Killed In Blasted Homes, [Washington, D.C.] EVENING STAR, May 06, 1925, 1.

wife to death at their home before blowing up their house. He blew himself up in his car in front of the school 30 minutes after the school explosion.

Category: public

Suicide: yes

Cause: revenge

Weapon: explosive, blunt object<sup>80</sup>

**84. New York, N.Y. (1927)**

Oct. 8, 1927: Someone set off a dynamite bomb demolishing a four-story apartment building, killing five and injuring eleven. Why did police assume a dynamite bomb? “Finding of 20-Pound Unexploded Bomb Leads Police to Suspect Infernal Machine.”

Category: public

Suicide: no

Cause: unknown

Weapon: explosive<sup>81</sup>

**85. Newton, Mass. (1928)**

01/31/1928: Someone used dynamite to destroy a building containing “extensive liquor making apparatus in the basement.” Six people died.

Category: private

Suicide: no

Cause: gang?

Weapon: explosive<sup>82</sup>

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<sup>80</sup> Fate Saves Scores in Blast When Maniac’s Plot Kills 43, [Washington, D.C.] EVENING STAR, May 19, 1927, 1.

<sup>81</sup> Four Killed In Bomb Explosion In Tenement District Of New York, [Douglas, Ariz.] DOUGLAS DAILY DISPATCH, Oct. 09, 1927, 1; Five Killed, 11 Hurt As Explosion Razes 35th St. Tenement, NEW YORK TIMES, Oct. 9, 1927, 1.

<sup>82</sup> Mystery Explosion Is Fatal To Six -Bodies Taken From Debris Of Two-Story, BROWNSVILLE HERALD, Jan. 31, 1928, 1.



**86. Seat Pleasant, Md. (1930)**

01/01/1930: A belated and misdelivered Christmas gift was dynamite and exploded as the family unwrapped it. The explosion killed an expectant mother and two siblings, her mother, and injured two other siblings. The family was new to the community with no known enemies.

Category: family non-resident

Suicide: no

Cause: unknown

Weapon: explosives<sup>83</sup>

**87. Chesterton, Ind. (1933)**

10/10/1933: A bomb explosion in the cargo compartment aboard a United Airlines flight ripped the plane apart, killing seven people. Motive remained uncertain.

Category: public

Suicide: no

Cause: unknown

Weapon: explosive<sup>84</sup>

**88. Denver, Colo. (1955)**

11/1/1955: The 23-year-old son of passenger Daisy E. King eventually confessed that he placed a 25-stick dynamite bomb in her luggage, blowing up her airliner, killing 44 people. The murderer had taken out life insurance policies on his mother and was expecting to receive a “substantial inheritance” upon her death.

Category: public

Suicide: no

Cause: greed

Weapon: explosives<sup>85</sup>

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<sup>83</sup> Gift Package Bomb Kills Woman; 5 Hurt, [Washington, D.C.] EVENING STAR, Jan. 01, 1930, 1; Bomb Survivors Tell Of Explosion, [Washington, D.C.] EVENING STAR, Jan. 12, 1930, 1.

<sup>84</sup> Ill-Fated Plane Wrecked By Bomb US Prober Says, INDIANAPOLIS TIMES, Oct. 14, 1933, 1.

<sup>85</sup> Flowers And Flowers, MURDERS IN THE UNITED STATES, 30-1; FBI, Jack Gilbert Graham, <https://www.fbi.gov/history/famous-cases/jack-gilbert-graham>, last accessed October 5, 2022.

Since 1960, this technology, despite attempts to regulate explosives, remain a big dead per incident killer. Using fertilizer, a murderer on Apr. 20, 1995, set off a truck bomb in front of the Oklahoma City Federal Building killing 168 people and injuring hundreds more.

Category: public

Suicide: no

Cause: terrorism

Weapon: explosives<sup>86</sup>

**B. Arson**

89. Arson is also a common and very low technology method to cause lots of suffering.

**90. New York, N.Y. (1903)**

11/1/1903: Police and coroner believed that a tenement building fire that killed 26 people was “of incendiary origin.”

Category: residential

Suicide: no

Cause: unknown

Weapon: arson<sup>87</sup>

**91. Boston, Mass. (1913)**

1Feb. 3/1913: A lodging house refused a man a room “for want of 15 cents.” He lit the structure on fire, killing 27 lodgers in a dangerously renovated structure.

Category: residential

Suicide: no

Cause: revenge

Weapon: arson<sup>88</sup>

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<sup>86</sup> Flowers and Flowers, MURDERS IN THE UNITED STATES, 56-7.

<sup>87</sup> Tenement House Fire, [Maysville, Ky.] EVENING BULLETIN, Nov. 2, 1903, 4.

<sup>88</sup> Burns Lodging House When Refused Room; 27 Homeless Men Died, [New York, N.Y.] EVENING WORLD, Dec. 3, 1913, 1.

**92. San Francisco, Cal. (1944)**

03/27/1944: Over a period of four hours, five San Francisco skid row hotels “burst into flames” following a previous weekend of 11 fires in Oakland hotels. The New Amsterdam Hotel fire killed 22 and injured 27. “Authorities noted an odor of kerosene or gasoline.” One tenant, 33, showed injuries from the fire and was held in the “hospital psychopathic ward.”

Category: public

Suicide: no

Cause: mental illness

Weapon: arson<sup>89</sup>

**93. Tulsa, Okla. (1921)**

05/01/1921: The police arrested a young black man for what later appears to have been an accidental touching of a white female elevator operator. Rumors spread that police charged him with sexual assault. A lynch mob arrived at the county jail. The sheriff and deputies prevented seizure of the young man. A group of armed black men offered to help the sheriff defend the jail. This display of arms by black men inflamed white public sentiment leading to the destruction of Greenwood, the black section of Tulsa. More than one thousand homes were burned and *at least* 36 dead. Newspapers and public officials removed news accounts and official records about the riot from files. The Tulsa Race Riot Commission in 2001 “concluded that between 100 and 300 people were killed and more than 8,000 people made homeless over those 18 hours in 1921,” with many bodies buried in unmarked mass graves.

Category: public

Suicide: no

Cause: racism

Weapon: firearms, arson, unknown?<sup>90</sup>

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<sup>89</sup> 22 Killed In Hotel Fire In San Francisco, [Santa Cruz, Cal.] SANTA CRUZ SENTINEL, Mar. 29, 1944, 1.

<sup>90</sup> Tulsa Race Riots, <https://www.history.com/topics/roaring-twenties/tulsa-race-massacre>, last accessed July 5, 2021.

**94. Chicago, Ill. (1958)**

Dec. 1, 1958: Our Lady of the Angels school burned, killing 95.<sup>91</sup> Several years later, a 13-year-old confessed while on a lie detector that he had started the fire: “because he hated school, rebelled at the authority of teachers, liked to hear the sound of fire sirens and to watch fire engines race along the street.”<sup>92</sup>

After 1960, of course, there have been several arson mass murders with equal or larger death counts, and this remains a common method of mass murder in other nations. In Australia, an arsonist burned the Childers, Queensland’s Palace Backpackers Hostel in 2000, killing 15.<sup>93</sup> The 2011 Quakers Hill Nursing Home fire killed eleven, set by a nurse after police questioned him about drug abuse.<sup>94</sup> Japan had several arson mass murders in late 2021, killing 24, 17, and 33 in separate incidents.<sup>95</sup> These required no advanced firearms technology or even firearms. The previously mentioned San Juan, P.R. arson mass murder killed 97.<sup>96</sup> The March 25, 1990, Happyland Social Club fire killed 87 people, leaving three survivors. Angry at his girlfriend, the murderer used \$1 of gasoline and a match to set fire to her place of employment.<sup>97</sup>

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<sup>91</sup> Our Lady of the Angels School fire, [https://en.wikipedia.org/wiki/Our\\_Lady\\_of\\_the\\_Angels\\_School\\_fire](https://en.wikipedia.org/wiki/Our_Lady_of_the_Angels_School_fire)

<sup>92</sup> Boy Admits Fire Fatal To 95, MIAMI NEWS, January 16, 1962, 1.

<sup>93</sup> *A Decade On, Childers Remembers Hostel Fire Tragedy*, BRISBANE [Australia] TIMES, Jun. 23, 2010.

<sup>94</sup> Candace Sutton, *Man Who Murdered 11 People in Nursing Home Fire 'Frothed At The Mouth' From Drugs And 'Put Nails In Tyres And Poured Paint' Over Boss's Car, Inquest Hears*, [U.K.] DAILY MAIL, Sep. 8, 2014.

<sup>95</sup> Makiko Inoue, Motoko Rich and Hikari Hida, 24 Dead in Suspected Arson at Office Building in Japan, N.Y. TIMES, Dec. 16, 2021, <https://www.nytimes.com/2021/12/16/world/asia/japan-fire-osaka.html>, last accessed November 21, 2022.

<sup>96</sup> 3 Teamsters Charged in San Juan Hotel Fire, CHICAGO TRIBUNE, Feb. 4, 1988, <https://www.chicagotribune.com/news/ct-xpm-1988-02-04-8803270617-story.html>, last accessed November 24, 2018.

<sup>97</sup> Ralph Blumenthal, Fire in the Bronx; 87 Die in Blaze at Illegal Club; Police Arrest Ejected Patron; Worst New York Fire Since 1911, NEW YORK TIMES, Mar. 26, 1990.

**95. New Orleans, La. (1973)**

Jun. 24/1973: The murderer took revenge for being expelled from the UpStairs Lounge, a gay bar. He walked down the street and bought a bottle of cigarette lighter fluid, killing 33 people.<sup>98</sup>

**96. Chicago, Ill. (1976)**

01/30/1976: An employee of Wincrest Nursing Home with a mental illness problem (pyromania) started a fire in a clothing wardrobe, which killed 22 residents. The employee was charged with arson.<sup>99</sup>

**C. Brutal Misuse of Tools**

**97. Villisca, Ia. (1912)**

Sep. 9, 1912: It appears that a business competitor and member of the Iowa State Senate murdered Joseph Moore, his wife Sarah, their four children and two visiting children “with an ax.” An “itinerant minister” was charged. The Iowa Attorney-General “sought to commit” the minister “to an insane asylum, a step that would bar the prosecution of any other person suspected of the crime.”

Relatives of the victims claimed that the Attorney-General blamed the wrong person; in response, the Iowa legislature passed a law prohibiting public discussion of the crime. This led to an “injunction against J.N. Wilkerson, a detective, whose four years’ investigation of the murders cast suspicion on a prominent state senator.” The public meeting by Villisca residents took place in Omaha, Neb., instead.

Category: greed

Suicide: no.

Cause: greed

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<sup>98</sup> Elisabeth Dias with Jim Down, The Horror Upstairs, TIME, Jul. 1, 2013.

<sup>99</sup> National Fire Protection Association, Preliminary Report NFPA Fire Analysis Department Wincrest Nursing Home, 1, 4, <https://oac.cdlib.org/view?docId=hb9v19p0sd&doc.view=frames&chunk.id=div00008&toc.id=0>, last accessed November 27, 2022; Woman Indicted in Chicago Blaze, NEW YORK TIMES, Feb. 4, 1976.

Weapon: ax<sup>100</sup>

**D. Panic**

**98. Calumet, Mich. (1913)**

Dec. 24, 1913: A man shouted, “Fire! Fire! Everybody rush!” in the Italian Hall where striking miners and their families were meeting for a Christmas party. (There was no fire.) As the crowd attempted to exit the hall through an inadequate exit, seventy-four people (mostly children) were trampled to death.<sup>101</sup> One account ascribed the false claim to “a drunken” man,<sup>102</sup> but considering the murder of strikebreakers in Calumet a few weeks before in the middle of a fierce labor dispute,<sup>103</sup> this seems unlikely as the cause.

Category: public

Suicide: no

Cause: labor

Weapon: mouth<sup>104</sup>

**i. Causes**

99. The focus of the State on the *method* of mass murder might be better spent on solving the problem by solving underlying causes.

100. The following table shows the proximate cause of all mass murders in my database before 1960. (After 1960, the data is not yet complete.) A breakdown of these abbreviations:

- **Rob** is a mass murder performed as part of a robbery or to eliminate witnesses to the robbery.
- **MI** (Severe mental illness, primarily psychoses and other illnesses that cut off the sufferer from reality) includes all crimes where either contemporary accounts describe the murderer as insane, or where the nature of the crime

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<sup>100</sup> Villisca Ax Murders to Be Discussed in Mass Meeting, OMAHA DAILY BEE, Jul. 6, 1917, 1.

<sup>101</sup> *Ore Miner Charged Eight-Seven Cents for Month’s Labor*, OMAHA DAILY BEE, Feb. 12, 1914, 1.

<sup>102</sup> *Day of Joy is One of Sorrow*, [Valley City, N.D.] WEEKLY TIMES-RECORD, January 1, 1914, 6.

<sup>103</sup> Strike Breakers Taken to Mines at Point of Pistols, OMAHA DAILY BEE, Jan. 11, 1914, 1 (based on U.S. Dept. of Labor report).

<sup>104</sup> *Ore Miner Charged Eight-Seven Cents for Month’s Labor*, OMAHA DAILY BEE, Feb. 12, 1914, 1.

makes other explanations implausible (this is necessarily a judgment call, on which my experience with mentally ill relatives and friends informs my opinion). The legal definition of mental illness is much narrower than the medical definition. Through most of U.S. history, the M'Naughton Rule (sometimes spelled M'Naughten) defined legal insanity as: "at the time of committing the act, the accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or, if he did know it, that he did not know what he was doing was wrong."<sup>105</sup> A person who did not know he was doing wrong, was insane. Persons who are medically mentally ill sometimes know that they are doing wrong and try to escape arrest and conviction (perhaps because the "aliens," or the CIA or KGB "agents" that they have just murdered are still after them). Such persons are legally sane, while in any conventional sense, they are as "mad as hatters."

- **MI?** are persons whose sanity seems questionable but for which contemporary accounts are less than persuasive.
- **PPD** (Postpartum Depression): Tragically, many of these mentally ill or possibly mentally ill incidents are mass murders by mothers with recently born babies. In cases where the murders are by recent mothers and where news accounts provide no other explanation, I have categorized these as **postpartum depression**. Some news accounts identified the mother as 'temporarily insane' with no previous history of mental illness. In a few cases the news accounts report on previous mental illness hospitalizations associated with previous births.
- Many cases I have listed as "**PPD?**" because this is a plausible explanation when no other seems more likely.
- **Resist** is a criminal resisting arrest.
- **Unknown** describes a very large number of crimes where either the motivation is unclear, or the newspaper coverage is silent; this also includes some mass murders where the inability to identify the murderer makes cause impossible to determine.
- **Religion** is mass murders committed as part of religious persecution. (And yes, in America!)
- **Racism** is its frequent cousin. In some cases, these include revenge or retribution against Indians for crimes not, or at least not clearly committed by the victims.
- **Politics** are murders committed to advance a political cause.

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<sup>105</sup> The insanity defense and Diminished Capacity,  
<https://www.law.cornell.edu/background/insane/insanity.html>

- **Terror** are mass murders committed to cause mass fear for purposes of political change outside elections. Example: 9/11.
- **Revenge** are mass murders committed to take revenge for real or perceived injuries by the murderer, his family, or acquaintances.
- **Ind** are crimes between Indians and settlers that are not official acts of war, but that might have been seen that way by the murderers. I have classified all attacks against peaceful travelers, settlers, and Indians in this cause. (In some cases, the killers openly admitted that the victims were “peaceful,” but were supplying guns to less friendly tribes.)<sup>106</sup>
- **Financial** is a strange subclass of family murders committed usually by a parent concerned their family is about to become impoverished, who then “protect” them from that suffering by mass murder. In some cases, this seems to be a form of mental illness: at least one example involved a mass murderer who was in no danger of impoverishment.
- **Labor** are crimes committed during labor disputes, sometimes against strikebreakers, sometimes against labor unionists.
- **Quarrel** are incidents that start out as some relatively minor dispute before escalating into disproportionate response.
- **Cult** refers to mass murders committed by oddball religious cults; I was surprised how widespread these were in the early 20<sup>th</sup> century (the Church of the Sacrifice slaughtered entire families, often with the family’s own ax).
- **Rape** are mass murders committed to eliminate witnesses to a rape.
- **Greed** are mass murders carried out to obtain wealth other than by robbery, often by inheritance from the deceased.
- **Divorce** is an alternative form of **Revenge**; divorce has been or is in the process and someone is seeking retribution. This includes separated spouses attempting reconciliation.
- **Adultery**: a variant of **Revenge**.
- **Jealousy**: should be obvious.
- **Intoxication** are crimes attributed to alcohol or drug-induced stupidity. The strong overlap between **mental illness** and **substance abuse** (one often causing the other) makes some of these hard to distinguish, especially 150 years after the crime.

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<sup>106</sup> From California and Oregon, [Washington, D.C.] EVENING STAR, Mar. 21, 1860, 2.

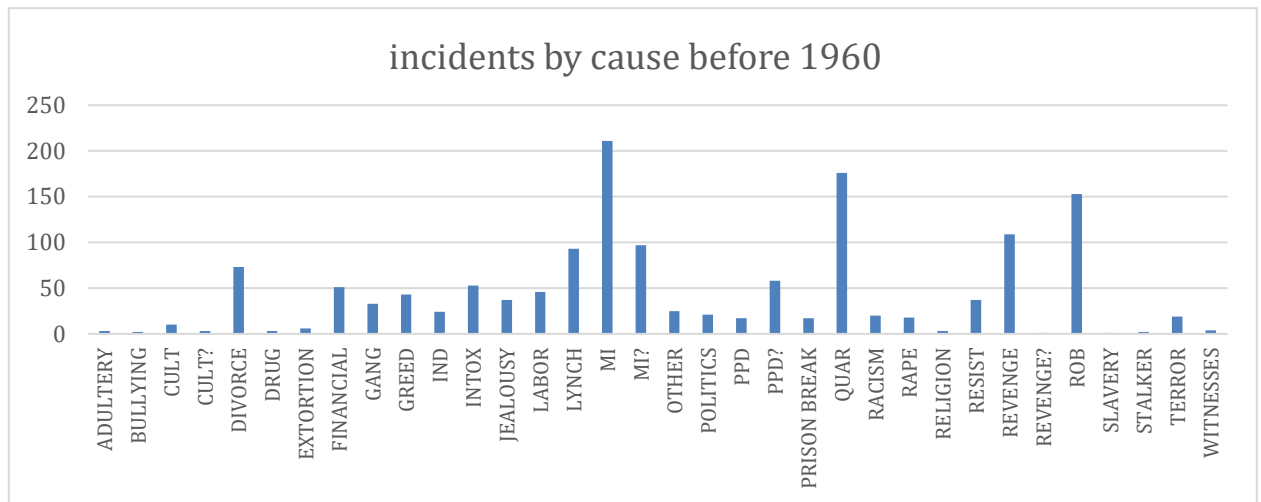


- **Bullying** is a recent category, and one that I suspect reflects some deeper mental illness.
- **Stalker**: someone did not get their attentions rewarded as they saw fit.
- **Witnesses**: Eliminating witnesses to some crime other than rape or robbery.

incidents by cause before 1960	
Cause	incidents
ADULTERY	3
BULLYING	2
CULT	10
CULT?	3
DIVORCE	73
DRUG	3
EXTORTION	6
FINANCIAL	51
GANG	33
GREED	43
IND	24
INTOX	53
JEALOUSY	37
LABOR	46
LYNCH	93
MI	211
MI?	97
OTHER	25
POLITICS	21
PPD	17
PPD?	58
PRISON BREAK	17
QUAR	176
RACISM	20
RAPE	18
RELIGION	3
RESIST	37
REVENGE	109
REVENGE?	1
ROB	153

incidents by cause before 1960	
Cause	incidents
SLAVERY	1
STALKER	2
TERROR	19
UNKNOWN	447
WITNESSES	4

101. Plotting the cause without UNKNOWN shows the high frequency causes:



102. It should surprise no one that mental illness and likely mental illness are a high frequency category. While most mentally ill people are primarily a hazard to themselves, severely mentally ill people are overrepresented in murder and other violent crimes.<sup>107</sup>

Deinstitutionalization of the mentally ill starting with New York in 1964 and California in 1969 played significant roles in increased homelessness and violent crime rates.<sup>108</sup>

103. Professor Bernard E. Harcourt points out that the rise in murder rates in the 1960s, and their decline in the 1990s correlated with the change in the percentage of the population that

<sup>107</sup> See Clayton E. Cramer, *Mental Illness and the Second Amendment*, 46 Connecticut Law Review 1301-6 (May 2014):(collecting studies).

<sup>108</sup> See Clayton E. Cramer, *MY BROTHER RON: A PERSONAL AND SOCIAL HISTORY OF THE DEINSTITUTIONALIZATION OF THE MENTALLY ILL* (2012) and Jean Isaac Rael and Virginia C. Armat, *MADNESS IN THE STREETS: HOW PSYCHIATRY AND THE LAW ABANDONED THE MENTALLY ILL* (1990) for how beautiful abstract theories and fanaticism created the tragic urban landscape of modern America.

was institutionalized: those who were confined to either a mental hospital or prison. According to Harcourt, sociologists examining the expansion of imprisonment in the 1990s, the so-called “incarceration revolution,” missed the even more important component of institutionalization: mental hospitals. When adding mental hospital inmates to prisoners, Harcourt found an astonishingly strong negative correlation between the institutionalization rate, and the murder rate: -0.78. Harcourt found that even when adjusting for changes in unemployment and the changing fraction of the population that was at their peak violent crime ages, the negative correlation remained strong, and did a better job of predicting both the 1960s rise and the 1990s decline in murder rates than other models.<sup>109</sup>

104. Steven P. Segal of the University of California, Berkeley studied state-to-state variations in murder rates and mental health care, controlling for socioeconomic, demographic, and geographic data. He concluded that “[l]ess access to psychiatric inpatient-beds and more poorly rated mental health systems were associated with increases in the homicide rates of 1.08 and 0.26 per 100,000, respectively.” (Since the national average homicide rate was 7.4 per 100,000 people for 2020,<sup>110</sup> more access to beds is clearly quite important in reducing homicide rates; “poorly rated mental health systems” matter, but not as dramatically.)

105. Segal observed an even greater difference from the variation in involuntary civil commitment (ICC) laws. “Broader ICC-criteria were associated with 1.42 less homicides per 100,000” or bit more than one-fourth of the national homicide rate. In short, states where involuntary commitment of the mentally ill was relatively easy had significantly fewer murders than states where it was very hard.<sup>111</sup>

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<sup>109</sup> Bernard E. Harcourt, *From the Asylum to the Prison: Rethinking the Incarceration Revolution*, 84 *Texas Law Review* 1766-75 (2006).

<sup>110</sup> Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality 1999-2020 on CDC WONDER Online Database, released in 2021. Data are from the Multiple Cause of Death Files, 1999-2020, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Nov 3, 2022 12:51:23 PM

<sup>111</sup> Steven P. Segal, *Civil Commitment Law, Mental Health Services, and US Homicide Rates*, SOCIAL PSYCHIATRY AND PSYCHIATRIC EPIDEMIOLOGY, November 10, 2011, <https://web.archive.org/web/20170323153646/http://kendras-law.org/national-studies/commitmenthomiciderates.pdf>, last accessed August 19, 2022.

106. A 2000 *New York Times* examination of mass murderers concluded:

The Times' study found that many of the rampage killers... suffered from severe psychosis, were known by people in their circles as being noticeably ill and needing help, and received insufficient or inconsistent treatment from a mental health system that seemed incapable of helping these especially intractable patients.

Only a small percentage of mentally ill people are violent, and many advocates bristle at any link between mental illness and violence out of concern that it will further stigmatize an already mistreated population.

However, the Times investigation of this particular style of violence -- public rampage killings -- turned up an extremely high association between violence and mental illness. Forty-seven of the killers had a history of mental health problems before they killed; 20 had been hospitalized for psychiatric problems; 42 had been seen by mental health professionals.<sup>112</sup>

107. A few representative cases from the period before 1960:

**108. New Haven, Conn. (1930)**

Jun. 21, 1930: The father had been involuntarily committed to a mental hospital. He escaped, threw his four children and wife from a 400-foot cliff, then jumped.

Category: family

Suicide: yes

Cause: mental illness

Weapon: other<sup>113</sup>

**109. New York, N.Y. (1953)**

Apr. 01, 1953: A college professor, 52, under psychiatric care, strangled his wife and their two children, then stabbed himself to death.

Category: family

Suicide: yes

Cause: mental illness

Weapon: strangled<sup>114</sup>

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<sup>112</sup> Laurie Goodstein and William Glaberson, *The Well-Marked Roads to Homicidal Rage*, NEW YORK TIMES, Apr. 10, 2000.

<sup>113</sup> Maniac Veteran Kills His Family, NEW BRITAIN HERALD, Jun. 23, 1930, 9.

<sup>114</sup> Triple Murder, Suicide Apparent, [Parsons, Kansas] PARSONS SUN, Apr. 04, 1953, 7.

**110. Eleva, Wisc. (1909)**

Feb. 2. 1909: The father stabbed to death his four children, then “stabbed himself and then jumped from the barn loft with a rope around his neck. At the same time he hurled a fire brand into the stable, firing the barn.”

Category: family

Suicide: Yes.

Cause: “[Father] was recently released from an insane asylum.”

Weapon: knife<sup>115</sup>

**ii. Summary**

111. Mass murder is not particularly new, nor is historical mass murder a peculiarly group activity. Almost everything can be, and has been, used to commit mass murder in America. The mass murder at Cleveland School in 1989 that started California’s legislative focus on LCMs involved a mentally ill drifter with a history of involuntary commitment and a spotty record of outpatient treatment. As the California Dept. of Justice’s official report observed:

In an ideal world, ample resources would have been available to detect his problems, identify them as potentially dangerous and likely to result in his life being uselessly wasted, and to provide for a type of intervention with a reasonable prospect of making a difference. However, in a world in which government spending has to recognize realistic limits set by the public, such resources will never be plentifully available.<sup>116</sup>

112. This is an especially painful paragraph for me. My smarter, older brother’s spiral down into schizophrenia resulted in brushes with the law, sometimes for unprovoked attacks on strangers, but never with such a horrible ending. It was still a life wasted by California’s confused and irrational mental health policy. Has more than 20 years of LCM laws, defenses of those laws,

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<sup>115</sup> *Murders Whole Family and Then Kills Self*, [Pendleton, Ore.] EAST OREGONIAN, Feb. 22, 1909, 8.

<sup>116</sup> Nelson Kempsey, *A Report to Attorney-General John K. Van de Kamp on Patrick Edward Purdy and the Cleveland School Killings*, October, 1989, 19, <https://schoolshooters.info/sites/default/files/Purdy%20-%20official%20report.pdf>, last accessed November 26, 2022.

prison sentences for offenders, and dealing with other mass murders (not all with guns) *really* been cheaper than providing mental health care?

113. The focus of the State on the *method* of mass murder might be better spent on solving the underlying *causes*. This abstract closes with a chilling sentence:

A case of an attempted mass shooting at a large psychiatric hospital in the United States by a 30-year-old male with severe mental illness, somatic delusions, and exceptional access to healthcare professionals is reported. Six persons were shot, one died at the scene, and the shooter was then killed by the police. Data were gathered from court documents and media accounts. An analysis of the shooter's psychiatric history, his interactions with healthcare professionals, and communications prior to the shooting suggest a rare form of mass murder, a random attack by a documented psychotic and delusional individual suffering with somatic delusions. Despite his being psychotic, the killer planned the attack and made a direct threat 1 month prior to the shootings. **This case highlights problems with the healthcare system, indicating that it might be ill equipped to appropriately deal with severe mental illness.**<sup>117</sup> [emphasis added]

114. Confronting the extent which a shortage of mental health services and the difficult nature of involuntary mental health commitment in much of America would be a more effective strategy. A severely mentally ill person without an LCM could follow in the footsteps of previous generations and use less regulated weapons: ax, hatchet, knife, poison, trail derailment.


## **VI. Background and Qualifications**

115. A copy of my *curriculum vitae* is attached to this Report as **Exhibit A**.

116. I was retained at a rate of \$75/hour to prepare this declaration.

117. My compensation is not in any way dependent on the outcome of this or any related proceeding, or on the substance of my opinion.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on March 23, 2023.

  
Clayton Cramer  
Declarant

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<sup>117</sup> Christine Sarteschi. (2015). Severe Mental Illness, Somatic Delusions, and Attempted Mass Murder. JOURNAL OF FORENSIC SCIENCES. 61. 10.1111/1556-4029.12876.

# **EXHIBIT A**

**Clayton E. Cramer**  
36 Sunburst Road  
Horseshoe Bend, ID 83629  
(208) 793-3044  
clayton@claytoncramer.com  
<http://www.claytoncramer.com>

**EDUCATION:**

	Sonoma State University, Rohnert Park, California
June, 1998	M.A. in History <i>Master's Thesis:</i> "Concealed Weapon Laws of the Early Republic"
June, 1994	B.A. in History <i>Honors: cum laude</i> and With Distinction

**AWARDS:**

1993	Association for Education in Journalism and Mass Communication Ethics Prize First Place, Undergraduate Division
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**TEACHING EXPERIENCE:**

Fall, 2017 – present	<b><i>Adjunct Faculty:</i></b> College of Western Idaho, Nampa, teaching <b>Western Civilization I, U.S. History I.</b>
Fall, 2014 – Spring, 2017	Recovering from stroke
Spring, 2010 – Spring, 2014	<b><i>Adjunct Faculty:</i></b> College of Western Idaho, Nampa, teaching <b>Western Civilization I, U.S. History I.</b>
Fall, 2009 – Summer 2010	<b><i>Adjunct Faculty:</i></b> ITT Technical Institute, Boise, teaching <b>State and Local Government</b> and <b>Introduction to Computers.</b>
Fall, 2003	<b><i>Adjunct Faculty:</i></b> Boise State University, teaching <b>U.S. Constitutional History</b> and at George Fox University (Boise Center), teaching <b>America and the World.</b>



1996      **Teaching Assistant:** Assisted Professor Peter Mellini in his course “Twentieth Century World.” I graded quizzes, exams, and answered weekly written questions from students. I also prepared and lectured about the rise of totalitarianism in the period between the world wars.

**BOOKS:**

*Lock, Stock, and Barrel: The Origins of America Gun Culture*  
Praeger Press, 2018

*Social Conservatism in An Age of Revolution: Legislating Christian Morality in Revolutionary America*  
CreateSpace, 2016

*Historical Evidence Concerning Climate Change: Archaeological and Historical Evidence That Man Is Not the Cause*  
CreateSpace, 2016

*My Brother Ron: A Personal and Social History of the Deinstitutionalization of the Mentally Ill*  
CreateSpace, 2012

*Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie*  
Nelson Current, 2006

*Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform*  
Praeger Press, 1999

*Black Demographic Data, 1790-1860: A Sourcebook*  
Greenwood Press, 1997

*Firing Back: Defending Your Right to Keep and Bear Arms*  
Krause Publishing, 1995

*For The Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*  
Praeger Press, 1994

*By The Dim and Flaring Lamps: The Civil War Diary of Samuel McIlvaine*, editor  
Library Research Associates, Inc., 1990

**SELECTED PUBLICATIONS:**

“Bellesiles’ Arming America Redux: Does the Gunning of America Rewrite American History to Suit Modern Sensibilities?” Southern Illinois University Law Journal Spring 2017 Forthcoming “

“Assault Weapon Bans: Can They Survive Rational Basis Scrutiny?” *University of Akron ConLawNow* 8:1, article 1.

Co-authored with David B. Kopel and Joseph Olson, "Knives and the Second Amendment," *University of Michigan Journal of Legal Reform*, 47:1 167-215 (2013).

“Mental Illness and the Second Amendment,” 46 Conn. Law Review 4:1301 (2014).

Co-authored with David B. Kopel, “State Court Standards of Review for the Right to Keep and Bear Arms,” 50 *Santa Clara Law Review* 101-208 (2010).

Co-authored with David B. Kopel, "The Keystone of the Second Amendment: Quakers, the Pennsylvania Constitution, and the Questionable Scholarship of Nathan Kozuskanich," 19 *Widener Law Journal* 277-320 (2010).

Co-authored with Nicholas J. Johnson and George A. Mocsary, “‘This Right is Not Allowed by Governments that are Afraid of the People’: The Public Meaning of the Second Amendment When the Fourteenth Amendment was Ratified,” 17 *George Mason Law Review* 3:823-862 (2010).

Co-authored with Don B. Kates, “Second Amendment Limitations and Criminological Considerations,” 61 *Hastings Law Journal* 1339-1370 (2009).

Co-authored with Joseph Edward Olson, “Gun Control: Political Fears Trump Crime Control,” *Maine Law Review*, 61:1 [2009] 57-81

Co-authored with Joseph Edward Olson, "What Did "Bear Arms" Mean in the Second Amendment?" *Georgetown Journal of Law & Public Policy*, 6:2 [2008]

Co-authored with Joseph Edward Olson, "Pistols, Crime, and Public Safety in Early America." *Willamette Law Review*, 44, [2008]

“Why Footnotes Matter: Checking *Arming America's* Claims.” *Plagiary* 2006 1 (11): 1-31 [29 September 2006]

“Michael Bellesiles and Guns in the Early Republic.” *Ideas on Liberty* 52:9 [September, 2002] 17-22.

“The Peaceable Kingdom?” *Books & Culture: A Christian Review*, July/August 2002, 29.

“Confiscating Guns From America’s Past.” *Ideas on Liberty* 51:1 [January, 2001] 23-27.

“Disarming Errors.” *National Review*, October 9, 2000, 54-55.

“An American Coup d'Etat?” *History Today* [November, 1995].

“A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts.” *Temple Law Review* 68:3 [Fall, 1995] 1178-1241. Co-authored with David Kopel and Scott Hattstrup.

“‘Shall Issue’: The New Wave of Concealed Handgun Permit Laws.” *Tennessee Law Review* 62:3 [Spring, 1995] 679-757.

“The Racist Roots of Gun Control.” *Kansas Journal of Law & Public Policy* 4:2 [Winter, 1995] 17-25.

“Ethical Problems of Mass Murder Coverage in the Mass Media.” *Journal of Mass Media Ethics* 9:1 [Winter, 1993-94] 26-42.

A comprehensive list of popular magazine articles would run to many pages; for a complete list see <http://www.claytoncramer.com/popular/popularmagazines.htm> .

## **CONFERENCES & EXPERT TESTIMONY:**

Ohio State Senate Judiciary Committee, March 22, 1995.

Michigan House of Representatives Judiciary Committee, December 5, 1995

American Society of Criminology, San Diego, Cal., November, 1997. “Fear And Loathing In Whitehall: Bolshevism And The Firearms Act Of 1920.”

American Society of Criminology, Chicago, Ill., November, 2002. “The Duty to be Armed in Colonial America.”

Assisted in research and writing of Respondent's Brief and Academics for the Second Amendment and Claremont Institute amicus briefs for *D.C. v. Heller* (2008).

Panelist on "Up in Arms: The Second Amendment in the Modern Republic" University of Connecticut School of Law, November 15, 2013.

#### **WORKS CITED IN COURT DECISIONS:**

"'Shall Issue': The New Wave of Concealed Handgun Permit Laws," cited in *Pagel v. Franscell*, 57 P.3d 1226, 1234 (Wyo. 2002); *Moody v. ARC of Howard County, Inc.*, Civil No. JKB-09-3228 (D.Md. 2011).

"'This Right is Not Allowed by Governments that are Afraid of the People':" cited in *McDonald v. Chicago* (2010); *Ezell v. City of Chicago* (7<sup>th</sup> Cir. 2011).

"Second Amendment Limitations and Criminological Considerations" cited in *U.S. v. Yancey*, 09-1138 (7<sup>th</sup> Cir. 2010); *U.S. v. Chester*, 628 F.3d 673 (4<sup>th</sup> Cir. 2010); *U.S. v. Skoien*, 587 F.3d 803 (7<sup>th</sup> Cir. 2009).

"What Did 'Bear Arms' Mean in the Second Amendment?", cited in *D.C. v. Heller* (2008). In addition, significant parts of Justice Scalia's opinion are derived from amicus briefs that I helped to research and write.

*For the Defense of Themselves and the State*, cited in *Mosby v. Devine*, 851 A.2d 1031, 1052 (RI 2004) (Flanders, J., dissenting); *U.S. v. Emerson*, 46 F.Supp.2d 598 (N.D.Texas 1999); *State v. Sieyes* 225 P. 3d 995 (Wash. 2010).

"A Tale of Three Cities," cited in *State v. Mendoza*, 920 P.2d 357, 360 n. 4 (Hawaii 1996).

*Concealed Weapon Laws of the Early Republic*, cited in *Senna v. Florimont*, 958 A.2d 427, 433 (N.J. 2008).

"Mental Illness and the Second Amendment," cited in *In Rec EC* (N.J.App. 2015).

A comprehensive and up to date list can be found at <http://claytoncramer.com/scholarly/journals.htm#citations>.

**LANGUAGES:**

Very basic reading competence in German.

**OTHER SKILLS:**

I have 35 years of experience as a computer software engineer, including embedded telecommunications equipment development, web page creation and maintenance. I also have an unusually detailed knowledge of the physical sciences (for an historian), a deep interest in the history of science and technology, and how both influence society.